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EXAMINER	
CANGIALOSI, SALVATORE A	
ART UNIT	**PAPER NUMBER**
2661	8

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/719,011	Applicant(s) STUBBS, MARTIN	
	Examiner Salvatore Cangialosi	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *30-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *30-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 30-41, 48-57 are rejected under 35 U.S.C. § 103 as being unpatentable over Dunn et al in view of Rostoker et al and Huckins.

Regarding claim 30, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15) disclose a method for dynamically assigning radio resources by controlling a packet router (element 104) based on a call substantially as claimed. The differences between the above and the claimed invention is the specific terminology of packet handler and control data. Huckins show a data packet handler(elements 130 and 143) which are responsive to control inputs(element 142). It is obvious that since some control is required for the operability of a packet network, the control of

the prior art is exemplary and obvious to employ. Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show dynamic allocation of radio resources based on a call state and control of same. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dunn et al because they are well known and conventional functional equivalents of packet routers in the prior art. Regarding the call limitations of claim 31, Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show a call which is the functional equivalent of the claim. Regarding the call limitations of claim 32, Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show a call between a specific mobile and a base station which is the functional equivalent of the claim. It is further noted that all cellular systems for several decades have billed on the basis of the identities of bath participants in a call. Regarding the call limitations of claim 33, Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show a call which is the functional equivalent of the claim. Regarding the call setup limitations of claim 34, Rostoker et al (See Fig. 2, Col. 4, lines 10-30) show a call setup which is the functional equivalent of the claim. Regarding the call setup limitations of claim 35, Rostoker et al (See Fig. 2, Col. 4, lines 10-30) show a call setup which is the functional equivalent of the claim. Regarding address limitations of claim 36, Dunn et al (See Col. 7, lines 50-50) disclose the essential address for the functioning of a

packet network substantially as claimed. Regarding the call limitations of claim 37, Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show a call that is the functional equivalent of the claim. Regarding the control limitations of claim 38, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15) disclose channel assignment that is the functional equivalent of the claim. Regarding the call limitations of claim 39, this is no more than the obvious reassignment of bandwidth by another mobile at the completion of a call in Dunn et al. Regarding the packet limitations of claim 40, this is no more than the obvious operation of packet cellular network forwarding packets to other network elements. Regarding the store limitations of claim 41, Huckins (See Fig. 4 element 9) show a memory accessible by a packet handler substantially as claimed. Regarding claim 48, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15) disclose a means for dynamically assigning radio resources by controlling a packet router (element 104) based on a call substantially as claimed. The differences between the above and the claimed invention is the specific terminology of packet handler and control data. Huckins show a data packet handler(elements 130 and 143) which are responsive to control inputs(element 142). It is obvious that since some control is required for the operability of a packet network, the control of the prior art is exemplary and obvious to employ. Rostoker et

al (See Figs. 3 and 4, Col. 3, lines 10-30) show dynamic allocation of radio resources based on a call state and control of same. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dunn et al because they are well known and conventional functional equivalents of packet routers in the prior art. Regarding claim 49, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15) disclose a means for dynamically assigning radio resources by controlling a packet router (element 104) based on a call substantially as claimed. The differences between the above and the claimed invention is the specific terminology of packet handler and control data. Huckins show a data packet handler(elements 130 and 143) which are responsive to control inputs(element 142). It is obvious that since some control is required for the operability of a packet network, the control of the prior art is exemplary and obvious to employ. Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show dynamic allocation of radio resources based on a call state and control of same. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dunn et al because they are well known and conventional functional equivalents of packet routers in the prior art. Regarding claim 50, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15)

disclose a method for dynamically assigning radio resources by controlling a packet router (element 104) based on a call substantially as claimed. The differences between the above and the claimed invention is the specific terminology of packet handler and control data and half-duplex. Huckins show a data packet handler(elements 130 and 143) which are responsive to control inputs(element 142) and a camera input(elements 28 and 83). It is obvious that since some control is required for the operability of a packet network, the control of the prior art is exemplary and obvious to employ. Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show dynamic allocation of radio resources based on a call state and control of same and a camera input(Col. 6, lines5-10). It is also obvious to employ a half-duplex mode in a video transmission because of the enormous bandwidth requirements of video data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dunn et al because they are well known and conventional functional equivalents of packet routers in the prior art. Regarding the image limitations of claim 51, Huckins (See Fig. 4) show image file that is the functional equivalent of the claim. Regarding the image limitations of claim 52, Huckins (See Fig. 4) show image file that is the functional equivalent of the claim. Regarding claim 53, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15) disclose a means for dynamically assigning radio

resources by controlling a packet router (element 104) based on a call substantially as claimed. The differences between the above and the claimed invention is the specific terminology of packet handler and control data and half-duplex. Huckins show a data packet handler(elements 130 and 143) which are responsive to control inputs(element 142) and a camera input(elements 28 and 83). It is obvious that since some control is required for the operability of a packet network, the control of the prior art is exemplary and obvious to employ. Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show dynamic allocation of radio resources based on a call state and control of same and a camera input(Col. 6, lines5-10). It is also obvious to employ a half-duplex mode in a video transmission because of the enormous bandwidth requirements of video data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dunn et al because they are well known and conventional functional equivalents of packet routers in the prior art. Regarding the switch limitations of claim 54, this is no more than the obvious use of an on off switch for the actuation of any electronic device. Regarding the switch limitations of claim 55, this is no more than the obvious use of an on off switch for the actuation of any electronic device. Regarding the group limitations of claim 56, Rostoker et al (See Col. 1, line 40) show a multicast which is the functional equivalent of the claim. Regarding the group limitations of

claim 57, Rostoker et al (See Col. 1, line 40) show a multicast which is the functional equivalent of the claim.

3. Claims 42-47 and 58 are rejected under 35 U.S.C. § 103 as being unpatentable over Dunn et al in view of Rostoker et al, Huckins and Thornberg et al.

Regarding claim 42, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15) disclose a method for dynamically assigning wireless radio resources by controlling a packet router (element 104) based on a call substantially as claimed. The differences between the above and the claimed invention is the specific terminology of packet handler and control data and GSM-type. Huckins show a data packet handler(elements 130 and 143) which are responsive to control inputs(element 142). It is obvious that since some control is required for the operability of a packet network, the control of the prior art is exemplary and obvious to employ. Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show dynamic allocation of radio resources of any type radio(Col. 9, line 30) based on a call state and control of same. Thornberg et al(Col. 1, lines 30-35) show GSM packet cellular. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dunn et al because they are

well known and conventional functional equivalents of packet network elements in the prior art. Regarding the GSM limitations of claim 43, Thornberg et al(Col. 1, lines 30-35) show GSM packet cellular substantially as claimed. Regarding the node limitations of claim 44 Thornberg et al(element 102) show a node substantially as claimed. Regarding claim 45, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15) disclose a method for dynamically assigning wireless radio resources by controlling a packet router (element 104) based on a call substantially as claimed. The differences between the above and the claimed invention is the specific terminology of packet handler and control data and GSM-type. Huckins show a data packet handler(elements 130 and 143) which are responsive to control inputs(element 142). It is obvious that since some control is required for the operability of a packet network, the control of the prior art is exemplary and obvious to employ. Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show dynamic allocation of radio resources of any type radio (Col. 9, line 30) based on a call state and control of same. Thornberg et al(Col. 1, lines 30-35) show GSM packet cellular. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dunn et al because they are well known and conventional functional equivalents of packet network elements in the prior art. Regarding the data limitations of claim 46, this is no more

than the obvious pulse stuffing to provide standard frames for a packet network having variable data input. Regarding the video limitations of claim 47, Rostoker et al (See Fig. 4, element 130) and Huckins(See abstract) both show a video image which is the functional equivalent of the claim. Regarding claim 58, Dunn et al (See Figs. 1 and 2a Col. 11, lines 25-50, Col. 12, lines 1-15, 30-45 and Col. 13, lines 5-15) disclose a method for dynamically assigning wireless radio resources by controlling a packet router (element 104) based on a call substantially as claimed. The differences between the above and the claimed invention is the specific terminology of packet handler and control data and GSM-type. Huckins show a data packet handler(elements 130 and 143) which are responsive to control inputs(element 142). It is obvious that since some control is required for the operability of a packet network, the control of the prior art is exemplary and obvious to employ. Rostoker et al (See Figs. 3 and 4, Col. 3, lines 10-30) show dynamic allocation of radio resources of any type radio(Col. 9, line 30) based on a call state and control of same. Thornberg et al(Col. 1, lines 30-35) show GSM packet cellular having a node(element 102). It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dunn et al because they are well known and conventional functional equivalents of packet network elements in the prior art.

Any inquiry concerning this communication should be directed

to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia, Sixth Floor(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222